

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

922 CIVIL APPLICATION NO. 2460 OF 2016
IN FA/128/2002

TAMIJA RASHID SHAIKH
VERSUS
GORAKH KALPANATH SHARMA DECEASED THR HIS LRS DEEPAK AND
OTHERS

...
Advocate for Applicant : Mr. Vinayak Sudhakar Bedre
Advocate for Respondents No. 1D to 1E : Mr. N.S. Jaju h/f Mr. L.B.
Pallod
Advocate for Respondent No.2 :Mr. M.A. Deshmukh h/f
Mr. S.G. Chapalgaonkar

CORAM : K.K. SONAWANE, J.

DATED : 23RD NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants. Mr. Jaju, learned counsel for respondents No. 1D to 1E as well as Mr. Chapalgaonkar for respondent No. 2 - Insurance Company. Despite service, respondents No. 1A to 1C and 3 remained absent.

2. This is an application seeking permission to bring on record the L.Rs. of deceased respondent No. 1-Gorakhnath Kalpanath Sharma, who passed away on 21st July, 2012. Respondents No. 1A to 1E are the legal heirs of respondent No. 1, therefore, applicants/appellants filed present application to allow the applicant/appellant to bring legal heirs of deceased respondent No. 1 on record.

3. Admittedly, the matter pertains to compensation in motor vehicular accident. Respondent No. 1 Gorakhnath Kalpanath Sharma is owner of the offending vehicle. Therefore, it is essential to allow the appellant to bring his L.Rs. on record for monetary liability imposed on him. Hence application deserves to be allowed. Accordingly application stands allowed in terms of prayer clause "B". The appellant is permitted to bring L.Rs. of deceased respondent No. 1 on record by requisite amendment in the appeal memo within two weeks from today. The delay caused in the same is hereby condoned and consequently abatement order of the proceedings also stands set aside.

4. According civil application stands disposed of.

5. After amendment list the first appeal for final hearing on merit in due course.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.